

EXHIBIT A

From: Elma Reed
Sent: Monday, June 09, 2008 9:55 AM
To: jstebbins@stebbinsandpinkerton.com
Subject: C. Brewer

Dear Mr. Stebbins,

Attached is a copy of the appeals procedure in the current MSU student handbook. As we discussed this morning, MSU is allowing Ms. Brewer an extension to file her appeal and, per the appeals procedure, may file directly at level two with Dr. Patsy Haslam, Dean of School of Health Sciences and Nursing. To expedite the procedure, Ms. Brewer may fax her appeal to Dr. Haslam at 304-929-1600 or e-mail to phaslam@mountainstate.edu. It is my understanding that Dr. Haslam has some documentation on this matter, but Ms. Brewer may include any additional information she believes would be helpful.

Thank you for your help in this matter.

Sincerely,

Elma

Elma M. Reed, J.D.
Associate General Counsel
Mountain State University
P.O. Box 9003
Beckley, WV 25802-9003
(304) 929-1324

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EXHIBIT B

Mountain State University™

MSN Nurse Anesthesia Student Handbook

Appeals Process

Complaint Resolution

Individual who concerns or complaints have related to any of the program concentrations addressed in the Graduate Nursing Program Student Handbook should refer to the following web site: (<http://www.mountainstate.edu/current/policies/default.aspx>)

Professional Conduct

Every student enrolled at Mountain State University shall conduct himself/herself in accordance with the mission and goals of the University. Such conduct includes, without limitation, maintaining integrity and honesty in educational pursuits, respecting the rights and privileges of others, and upholding the laws of the State of West Virginia and the United States of America. It is the responsibility of the student to educate him/herself and abide by all University policies and procedures related to students, including all program policies and procedures, all classroom requirements, all housing policies and procedures, all library policies and procedures, all lab policies and procedures, and all other policies and procedures of the University. The University reserves the right to modify any policies and procedures as necessary to further its mission of higher education and will give reasonable notice to students of changes.

Charges regarding Academic Integrity:

Faculty and staff members may complete an incident report concerning any student who is suspected of a breach of academic integrity (e.g., cheating, plagiarism, etc.). The faculty or staff member will investigate the matter and may appropriately institute sanctions against the student in furtherance of the mission and goals of Mountain State University. Students may appeal any decision made under this policy by following the appeal procedure detailed below. All students will, in good faith, cooperate in any investigation. Sanctions may include, without limitation, verbal reprimands, written reprimands, professional probation, disciplinary probation, restitution, social probation, counseling, dismissal from a class, community service, mandatory referral for treatment or evaluation, suspension or dismissal from a program, suspension from the University, and probation or suspension from financial aid participation. Only the President may expel a student from Mountain State University. Be aware that some charges involving academic integrity may include charges of misconduct which may also be reported to the Dean of Students and Campus Life.

Charges of Misconduct or Behavioral Issues:

Any person may file a complaint with Mountain State University regarding the behavior or conduct of any student. This is accomplished by completing an incident report and forwarding it to the Dean of Students and Campus Life. The Dean of Students and Campus Life will investigate the matter and may appropriately institute sanctions against the student in furtherance of the mission and goals of Mountain State University. All students will, in good faith, cooperate in any investigation. Sanctions may include,

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MSN Nurse Anesthesia Student Handbook

without limitation, verbal reprimands, written reprimands, professional probation, disciplinary probation, restitution, social probation, counseling, dismissal from a class, community service, mandatory referral for treatment or evaluation, suspension or dismissal from a program, suspension from the University, and probation or suspension from financial aid participation. Only the President may expel a student from Mountain State University. Be aware that some charges involving conduct or behavioral issues may include charges of academic integrity which may also be reported to the staff of the student's program of study.

Appeal Procedures (Including Grade Appeals)

Any student may utilize these appeal procedures to challenge the following University actions only: a final course grade of D or F, professional probation, disciplinary probation, restitution, social probation, counseling, dismissal from a class, community service, mandatory referral for treatment or evaluation, suspension or dismissal from a program, suspension from the University, probation or suspension from financial aid participation removal of the student from University housing, restrictions on the student regarding his/her physical presence on campus, and/or revocation of a student privilege (e.g., computer use, activity attendance, etc.). *Note: Disciplinary Appeals are limited on the following bases: failure on the University's part to follow its' established processes; new pertinent information not available at the time sanctions were issued; and the student feels sanctions were too harsh.* A student may challenge such University action using the following appeal procedures:

- **Level One.** Within five (5) days following the student's notice of the action, the student shall meet with the initiating faculty or staff member or the Dean of Students and Campus Life (whichever individual made the decision and/or initiated the sanction). The student should present at this meeting a written appeal with supporting documentation (if any) explaining the basis of the appeal. The faculty/staff member or the Dean of Students and Campus Life will, within five (5) days following the meeting, deliver to the student written notice that the initial sanction is either upheld or reversed, in whole or in part. If the student is unable to resolve the matter at this level, or if this discussion would be impossible or futile, the student may appeal the decision in accordance with Level Two.
- **Level Two.** Within five (5) days following the receipt of the appeal decision as outlined in Level One, or in the event that the student's meeting with the University employee in Level One would be impossible or futile, the student may, by certified mail, deliver a complete written appeal to the faculty/staff member's Senior Academic Officer (regarding grade appeals or charges of academic integrity) or the Campus Provost (for all other issues) The student's appeal must provide adequate factual allegations and appropriate accompanying documentation to support the grievance of the student. Upon receipt of a timely appeal from the student, the supervising academic officer for the program or the Campus Provost (as appropriate) shall investigate the matter and may within his/her discretion require from any University employee additional documentation necessary to fairly evaluate the student grievance. Upon review and investigation of the appeal, the

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MSN Nurse Anesthesia Student Handbook

initial sanction may be either upheld or reversed, in whole or in part. The hearing officer shall provide written notification outlining his/her decision to the student and the faculty member or administrator within ten (10) days of the timely receipt of the student's appeal.

- **Level Three.** Within five (5) days following notice of the Level Three decision, the student may, by certified mail, deliver a complete written appeal to the Chair of the Academic Review Board. The appeal must provide adequate factual allegations and appropriate accompanying documentation to support the appeal. Upon receipt of a timely appeal, the Chair of the Academic Review Board will convene a meeting to determine if the student has provided sufficient evidence to review the appeal. If the Academic Review Board determines that there is not enough evidence to conduct a review, then the Level Two decision will be upheld. If the Academic Review Board determines that the student has provided sufficient evidence to review the appeal, the Academic Review Board shall investigate the matter and may require from any faculty or staff additional documentation necessary to fairly evaluate the appeal. The Academic Review Board may uphold the Level Two decision, reverse the Level Two decision in whole or in part, or may make further changes deemed appropriate to further the University's mission. The Chair of the Academic Review Board shall notify all parties in writing within ten (10) days after receipt of the appeal of the decision.

The decision of the Academic Review Board is final, except that the President of Mountain State University may, within his/her discretion, reverse or modify the decision of the Academic Review Board as necessary to further the mission of the University.

The Academic Review Board is an academic entity comprised of 5 (five) members. Three members shall be from the University faculty (one being the Chair) and appointed by the University President. One member shall be a University administrative staff member appointed by the University President. One member shall be the President of the MSU Student Government Association. A minimum of three members of the Board (including the Chair) must be present to render decisions or administer appeals.

Any petition filed in accordance with this paragraph shall be mailed, certified, addressed as follows:

PETITION FOR ACADEMIC REVIEW

Office of the President
Mountain State University
Box 9003
Beckley WV 25802-9003

Mountain State University™

MSN Nurse Anesthesia Student Handbook

Notice Regarding Time Limits

Administrators at each appeal level may extend the time limits stated in these procedures as appropriate to provide a fair and thorough review and resolution of the student grievance.

Legal Intervention

Any correspondence from a student's attorney to the University shall be addressed to Mountain State University, General Counsel, Box 9003, Beckley WV 25802-9003. The relevant Senior Academic Officer may at his/her discretion postpone and/or reinstate the appeals process as he/she deems appropriate in the event that the student seeks formal legal intervention.

University Appeal Process Flow Chart

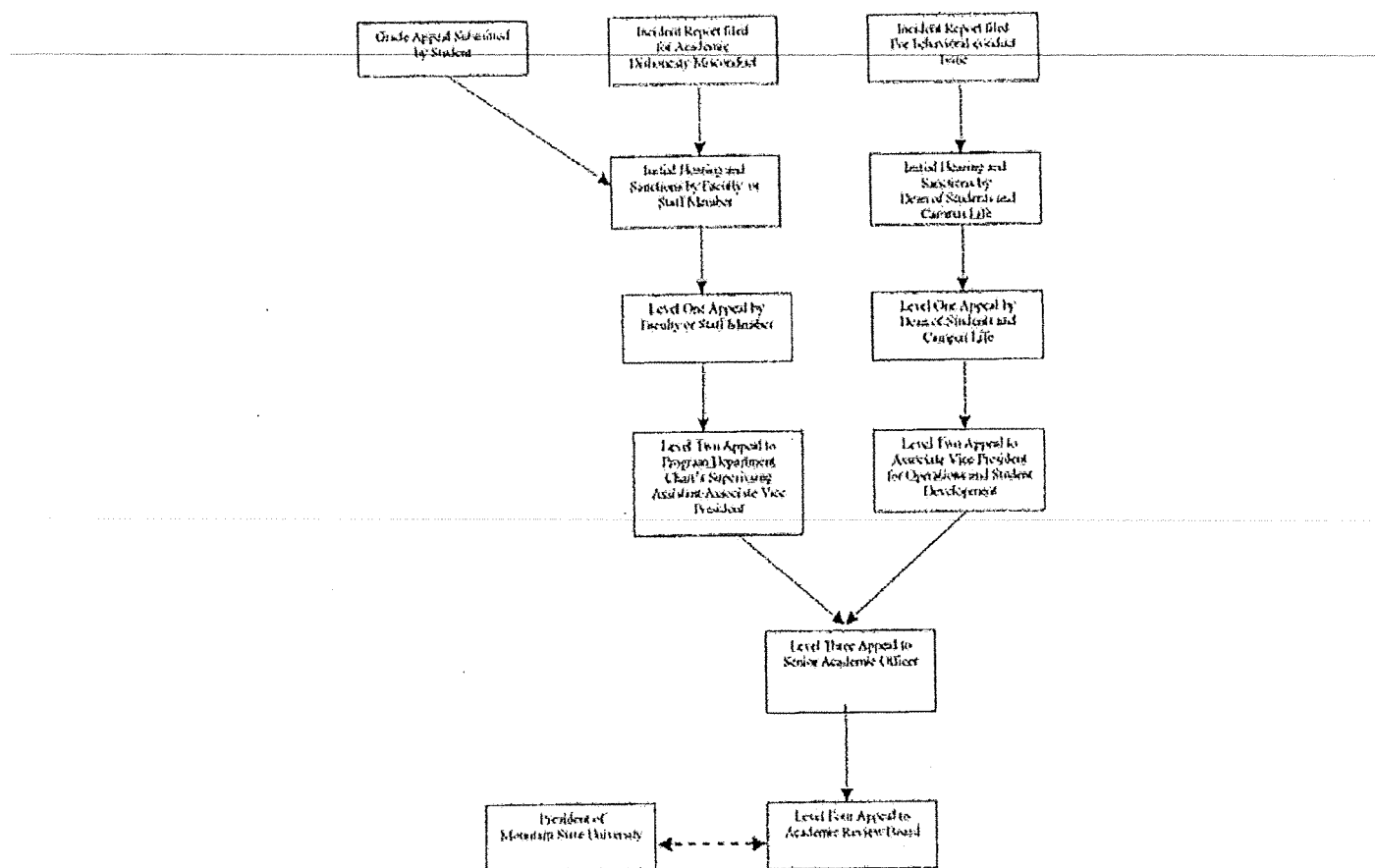


EXHIBIT C

From: Elma Reed
Sent: Tuesday, July 15, 2008 10:52 AM
To: James Stebbins
Cc: Christy Brewer
Subject: RE: Christy Brewer

Please understand that this is not an appeal hearing; at this point, there is nothing to appeal. Ms. Brewer chose to be withdrawn from the class; she cannot appeal her own decision. This meeting will be to clarify her test grades. After this meeting, if Ms. Brewer decides she would like the WP she currently has on her transcript changed to an F, I will recommend that she be allowed to do so. At that point, she can appeal the grade. Dr. Ellis is the first level of appeal. I do not believe it would be appropriate for him to be in any meeting prior the appeal process.

I suggested this meeting so that a determination could be made regarding Ms. Brewer's test scores and the resultant final class grade. If you can show me that my calculations are wrong and that Ms. Brewer passed the class based on her current scores including the hand graded test scores, I will be happy to talk to Dr. Ellis about changing the WP on her transcript to a passing grade. If not, it will be up to Ms. Brewer to determine whether some of her test answers that were marked wrong should be accepted as correct and whether any possible changes in her test scores would result in a passing class grade. If she believes this would be the case, I will recommend that her grade be changed to an F, and she can appeal that grade.

I do not believe it would be in your client's best interest to make a decision about changing the notation on her transcript until she is sure of her current grade. If the current notation is changed to an F because she decides that she wants to appeal, it will not be changed back should her appeal be denied.

Elma M. Reed, J.D.
Associate General Counsel
Mountain State University
P.O. Box 9003
Beckley, WV 25802-9003
(304) 929-1324

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EXHIBIT D

From: Elma Reed
Sent: Monday, July 28, 2008 2:35 PM
To: James Stebbins
Cc: Shawna Pinkerton
Subject: christy brewer

Mr. Stebbins,

If you are sure of your calculations concerning Ms. Brewer's grade for CRNA 542, I see no reason for us to meet. Ms. Brewer can accept her original decision to withdraw from the class and retake it in the fall, or she can request that she be allowed to rescind that decision and have the WP changed to an F so that she can appeal her grade. Keeping in mind that the F will remain on her transcript if her appeal fails, I will once again explain why I believe your determination is flawed.

The original scores I was given by the department were:

Aug 24th 64; Sept 14th 65; Oct 5th 83; Oct 26th 70; Nov 16th 60; Dec 7th 81 Corr. 40; Lab 100

Keep in mind, these are points awarded, not percentage grades.

Because I did not see the scantron results for the last test (Dec 7) in the copy of her file I received, I asked that the test be graded by hand according to the test key. Re-grading resulted in a score of 105 instead of 81. Replacing the 81 with 105 in the formula, Ms. Brewer was very close to passing. Those were the scores I sent you, not as her final scores, but so you would have the formula Dr. Ellis used to determine a final grade when you received copies of her tests. I explained this in a telephone conversation and informed you that, because we were now aware there was a problem with the scantron, we would be grading all of her tests by hand. We also discussed at that time that while one score increased, others could be lowered. I recognized that when they were all re-graded there was a possibility she might end up with a passing grade. Unfortunately, that was not the case. When all of the tests were re-graded by hand, there was very little difference in the outcome. Her hand-graded scores were:

$62+73+70+61+61+105+40+100$

Again, these are not percentage scores; the 105 is 105 correct out of 150 possible, or 70%

After receiving copies of the hand-graded tests, you used only the hand-graded score for Dec. 7th, which raised her score considerably. For the rest of her scores, you continued to use the incorrect scores as determined by the scantron. You then eliminated the score for Aug 24th claiming that it was from the previous semester and dropped out the correlation score, which was only a 40, for which you gave no reason. I may have confused you by calling that score a lab score (that was my understanding until I was able to talk to Dr. Ellis last Friday), but that doesn't explain why you believed it should have been disregarded. Below are the calculations you used and sent to me by e-mail on June 24th.

$65 + 83 + 70 + 60 + 105 + 100$

As you can see from your calculations above, the "62" for Aug 24th is missing; the "83", "70", and "60" are from her original scantron grades, which are not the grades on the tests you were sent; the "105" is a hand-graded score; and you have omitted the "40" corr. score.

I explained in an e-mail sent to you on July 7th that the date of 8/24/07 on the test and on Ms. Brewer's scantron, which she personally dated, fell within the fall semester; the semester in which she took CRNA 542. As you can see from the attached documents, the Summer I semester, in which she took CRNA 540, ended on August 9, 2007; the Fall semester, in which she took CRNA 542, started on August 20, 2007. Because both the date of the test and date entered on the scantron sheet by Ms. Brewer were 8-24-07, I believe it is safe to say that the test occurred during the Fall semester of 2007 and was for CRNA 542 and not CRNA 540; the notation of 540 on the test was in error.

If you are using some method other than Dr. Ellis's formula to determine Ms. Brewer's grade, please explain it to me so that we can evaluate its merit. I hope this information is helpful.

EXHIBIT E

From: James Stebbins [<mailto:JStebbins@stebbinsandpinkerton.com>]
Sent: Monday, June 09, 2008 1:28 PM
To: Elma Reed
Cc: Christy Brewer; Patsy Haslam
Subject: RE: C. Brewer

Elma:

I have spoken to my client and she is interested in pursuing the appeal process for whatever it is worth. However, she is legitimately concerned that she may end up in a worse position than she is now if the grade is appealed, the failing grade upheld, and that grade posted. As things stand now, she made an administrative withdrawal from that class prior to posting and does not have a failing grade on her permanent record. Please assure us that appealing this will not result in a failing grade on her permanent record no matter what happens so that we can be comfortable in pursuing the appeal. Thanks.

James C. Stebbins
STEBBINS & PINKERTON, P.L.L.C.
P. O. Box 11652
Charleston, WV 25339
304-345-6111
FAX: 304-345-6110
E-mail address: jstebbins@stebbinsandpinkerton.com

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EXHIBIT F

Christy M. Brewer

April 23, 2012

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

CHRISTY M. BREWER,
Plaintiff,

v.

CIVIL ACTION NO. 5-11-0467

MOUNTAIN STATE
UNIVERSITY, INC.,
Defendant.

The deposition of CHRISTY M. BREWER, a party in the above-entitled cause, taken before Dana M. Pon, Notary Public in and for the Commonwealth of Virginia at Large, at the Municipal Building, 2 Plum Street, Cape Charles, Virginia on April 23, 2012, commencing at or about the hour of 12:00 p.m.

APPEARANCES: FOR THE PLAINTIFF:
Law Offices of Jeffrey V. Mehalic
BY: JEFFREY V. MEHALIC, ESQUIRE
1215 Quarrier Street
Post Office Box 11133
Charleston, West Virginia 25330

FOR THE DEFENDANT:
Steptoe & Johnson PLLC
BY: JOHN R. MERINAR, JR., ESQUIRE
400 White Oaks Boulevard
Bridgeport, West Virginia 26330



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Christy M. Brewer

April 23, 2012

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1 job.

2 Q Does your husband work?

3 A No.

4 Q Do you own a home here?

5 A No.

6 Q Do you rent a home here?

7 A Yes.

8 Q Let me ask you about your board exam, and
9 I'm in need of a little education here. Do you have
10 to take a separate board exam for each state in which
11 you're licensed, or is there one exam which is common
12 to those states?

13 A No. It's one exam.

14 Q What is it called?

15 A It's through NBCRNA.

16 Q Okay. And I know I asked this once, but
17 when did you take that exam?

18 A I've taken that exam twice.

19 Q Okay. What -- when did you take it?

20 What --

21 A I took it August 31st of 2010.

22 Q Uh-huh.

23 A I took it a second time October 14th of
24 2010.

25 Q Did you pass it the first time?



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Christy M. Brewer

April 23, 2012

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1 A Obviously not.

2 Q The second time you did?

3 A Yes, sir.

4 Q When you did not pass it the first time,
5 did you get scores which would let you know how far
6 from the passing grade you were?

7 A Scores?

8 Q In other words, did you just know if you
9 passed or failed or did they actually give you a score
10 so you could see how close you were?

11 A I got a -- it's a breakdown. I can't
12 remember the scores.

13 Q Uh-huh.

14 A But it's a breakdown. It tells you by --
15 I won't say subject, but category.

16 Q Do you remember what categories you had
17 problems with the first time?

18 A No, sir.

19 Q Did you do anything between the first exam
20 and the second to prepare yourself?

21 A Obviously, I did.

22 Q What was that?

23 A I made a different study plan for the
24 second time that I took the boards.

25 Q Was this individual study or group study?



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Christy M. Brewer

April 23, 2012

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1 conversations with Ann Bostic, Linda Williams, or
2 Wayne Ellis before you started as a student?

3 A No, not that I recall.

4 Q So Melody was your main contact. Were
5 your communications with her primarily verbal or were
6 they by some other means primarily?

7 A Both verbal and e-mail.

8 Q Okay.

9 A In the beginning mostly verbal.

10 Q Okay. Can you remember today anything
11 Melody Tilley told you before you started as a student
12 that you thought from your perspective was misleading,
13 inaccurate, unfair, anything of that nature?

14 A Yes.

15 Q Okay. What things did she tell you that
16 fall in those categories?

17 A I specifically asked about the clinical
18 assignments. One reason I looked at Mountain State
19 and applied there was the way they had set up their
20 program. You could remain at home with your family,
21 attend classes, and attend clinicals within a
22 fifty-mile radius of your home.

23 Q All right. Now, what did Melody say about
24 that?

25 A She verified those things.



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Christy M. Brewer

April 23, 2012

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1 Q When you -- when you say verified, that
2 suggests to me you must have read it somewhere. Is
3 that -- and then she commented in some way; is that
4 accurate?

5 A They had a -- Mountain State had a packet,
6 a prospective student packet.

7 Q All right.

8 A I don't remember, sir, if it was printed
9 or if it was verbal; but it was highly communicated
10 that those things I stated were accurate.

11 Q So you remember Melody saying to you that
12 you could live at home and attend clinicals within
13 fifty miles of your home --

14 A Yes, sir.

15 Q -- is that accurate? And did she tell you
16 that once? More than once? Do you remember?

17 A Several times.

18 Q Okay. Would this have been phone
19 conversations or in person?

20 A Phone conversation.

21 Q Do you remember whether or not she ever
22 wrote that down for you in an e-mail?

23 A I don't remember.

24 Q Okay. Now, if this happened several
25 times, how did that come about? Was it because you



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Christy M. Brewer

April 23, 2012

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1 is before -- let's include orientation in it. Okay?

2 A Yes, sir.

3 Q We're including orientation in this
4 question. Did anybody who was a faculty member or
5 administrator say something to you that you now
6 believe to have been misleading, inaccurate, or
7 unfair?

8 A Yes, sir.

9 Q Okay. Now, you've told me about Melody;
10 so I want to set that aside. I already know about
11 that. What else?

12 A I believe Wayne Ellis was misleading
13 during the interview because he reiterated the things
14 that Melody had said in regard to the travel, the
15 clinicals. He also reiterated that again in December
16 when I attended orientation.

17 Q Okay. All right. Anything else?

18 A Not that I can recall at this time, sir.

19 Q And is it accurate to say that the reason
20 you believe that what Melody told you and what Wayne
21 Ellis told you was in some way inaccurate, unfair, or
22 misleading is because later on when you did your
23 clinicals you had to travel well beyond fifty miles
24 from your home?

25 A Yes.



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Christy M. Brewer

April 23, 2012

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1 A I was devastated. I was simply
2 devastated. Here I had put my trust in Dr. Ellis,
3 constantly going to him, asking him could I please see
4 these exams, could I please have a syllabi, could he
5 please assist me in a study plan. Anything that he
6 could provide for me I would have gladly accepted. I
7 cried. No. I sobbed in his office for quite a while.
8 I collected myself, and I again asked him how he came
9 up with a grade of 79.8.

10 Q And did he tell you --

11 A He could not defend where that grade come
12 from. He continued on to explain my options at this
13 point in time with the program and the university.

14 Q What did he tell you those options were?

15 A Those options, sir, are clearly documented
16 in the letter or some form of documentation that I
17 have supplied for you.

18 Q Okay. Do you remember today what he told
19 you?

20 A I'll do my best. One option was that I
21 could withdraw from the program and join the nurse
22 practitioner program. A second option was that I
23 could retake the final exam.

24 Q Uh-huh.

25 A I don't remember the third, sir. You will



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Christy M. Brewer

April 23, 2012

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1 have to look at my notes.

2 Q Was the third option to join Cohort 4 and
3 retake the course?

4 A I believe so, yes.

5 Q Okay. And isn't it true that that's the
6 option you selected, joining Cohort 4?

7 A It was the ethical option, sir.

8 Q What do you mean by the ethical option?

9 A I did not feel that it was ethical to
10 repeat a final exam.

11 Q Dr. Ellis -- well, when he told you you
12 could retake the final exam, didn't you think, well,
13 if you had a 79.8 average, all it would take would be
14 to do just a little bit better on the final and you
15 could achieve the 80 percent you needed and keep with
16 Cohort 3? Did that thought cross your mind?

17 A It was a tempting thought, sir; but it
18 would have been wrong because this option that he was
19 offering me was to be done in secret and in private.

20 Q Did Dr. Ellis explain why or what his
21 reasoning was for allowing you to retake the exam?

22 A No.

23 Q Had you decided not to withdraw and join
24 the nurse practitioner program, is there some reason
25 why that was an unappealing option to you?



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Christy M. Brewer

April 23, 2012

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1 down -- like down here.

2 THE WITNESS: Oh.

3

4 BY MR. MERINAR:

5 Q Let me -- I'll -- I believe those are
6 grade change requests to change the grades that you
7 received in GCRNA 536, 602, and 610 from WP to the
8 appropriate letter grade, whether it be A or B. And I
9 believe that was done in June of 2006 -- or, rather,
10 2008. My purpose in showing you those is to ask you
11 whether or not seeing those forms that your memory is
12 refreshed and you agree that those are, indeed,
13 corresponding to the time when your grades were
14 changed.

15 A I -- yes. And I have to retract. I
16 believe this is the first time I've ever seen these.

17 Q All right. Do you recall in the summer of
18 2008 your grades were changed from WP to either A or B
19 in the three courses that you passed in the fall of
20 2008?

21 A I'm sorry. State it again, please.

22 Q Do you recall that in the summer of
23 2008 --

24 A Uh-huh.

25 Q -- your grades for the courses that you



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April 23, 2012

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1 passed in the fall of 2007 were changed from WP to the
2 appropriate letter grade, whether it be A or B?

3 A Yes, you are correct.

4 Q Now, when you left the meeting in -- with
5 Dr. Ellis on December 12th of 2007 -- well, I'm sorry.
6 Strike that.

7 When you wrote back to Dr. Ellis on
8 December 13th, 2007, did you intend to convey that you
9 were going to withdraw from your courses for the fall
10 semester 2007?

11 A No. Absolutely no.

12 Q At any point did you understand that you
13 were going to be withdrawing from your courses?

14 A No.

15 Q What did you think was going to happen
16 with GCRNA 542, the course that he told you you had
17 failed?

18 A I understood from that meeting on December
19 12th that I would be withdrawn from 542 only.

20 Q But not from the other courses, correct?

21 A Correct.

22 MR. MERINAR: Okay. Let's have this
23 marked as Exhibit 5.

24 (Brewer Exhibit Number 5 was marked for
25 identification.)



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Christy M. Brewer

April 23, 2012

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1 Q Well, let me go back, then. The way that
2 you contested the withdrawal from all the classes as
3 opposed to withdrawing just from 542 was first
4 communicated with Dr. Ellis and when that didn't work
5 to go to Dr. Haslam; is that correct?

6 A Yes.

7 Q And I've seen e-mails that looked like you
8 had some ongoing communication with Dr. Haslam
9 throughout the spring of 2008. Do you remember that
10 as being accurate?

11 A Yes.

12 Q Do you remember telling Dr. Haslam that
13 with regard to the issue you were pursuing, you would
14 prefer to wait until after June when the council for
15 accreditation visit had been concluded?

16 A I did make that decision based on her
17 recommendation.

18 Q Let's see here. Is that recommendation
19 Dr. Haslam made to you in person, by telephone, or by
20 e-mail, if you recall?

21 A In person.

22 Q What did she tell you about waiting that
23 you can recall?

24 A She told me that she felt it would be best
25 for me and for the university to just hold on, not



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1 Mr. Stebbins that you had the opportunity to appeal?

2 A Yes. However, I do believe that
3 communication was incorrect. I was not able to
4 actually appeal because there was no F. I believe
5 that was the end result of these e-mails.

6 Q Did Mr. Stebbins share the content of that
7 e-mail that you have before you with you?

8 A I believe so, yes.

9 Q All right. Let me show you --

10 MR. MERINAR: Now let's have this marked
11 as 15.

12 (Brewer Exhibit Number 15 was marked for
13 identification.)
14

15 BY MR. MERINAR:

16 Q It appears to be an e-mail to you from
17 James Stebbins dated June 9th, 2008, correct?

18 A Yes.

19 Q And in that e-mail you list things that
20 you are seeking to accomplish or obtain; is that
21 correct?

22 A Let me read it, sir, first.

23 All right. Continue.

24 Q Okay. You write, So, with all that being
25 said, here is what I would like (please advise if



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1 these are good decisions). And, number one, you
2 write, I would like the 3 grades that I earned for
3 530, 610 and 602 posted on my official transcript. Do
4 you see that?

5 A Yes.

6 Q Isn't it true that MSU posted the three
7 grades that you had earned for 530, 610, and 602 on
8 your transcript?

9 A They did post them.

10 Q You also write, I would like to repeat the
11 542 Pharm class. Is it true that you did repeat the
12 542 Pharm class?

13 A Yes.

14 MR. MERINAR: All right. Now let's have
15 this marked as 16.

16 (Brewer Exhibit Number 16 was marked for
17 identification.)
18

19 BY MR. MERINAR:

20 Q 16 appears to be a grade scoring sheet of
21 some sort, and I think it's got your handwriting on
22 the bottom. Am I correct about that?

23 A Uh-huh. Yes.

24 Q And it says, Grades as provided by?

25 A That's Wayne E. Ellis.



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1 sure you can clear it for me -- you asked that a
2 transcript be sent to the University of Tennessee
3 Medical Center. Do you recall that?

4 A That was after graduation.

5 Q And what was your intent at the University
6 of Tennessee Medical Center?

7 A I was being credentialed.

8 Q For what purpose?

9 A Through the credentialing department there
10 at the University of Tennessee, I had received an
11 employment contract from the University of Tennessee.
12 And before you start working at any hospital, there's
13 a process called credentialing that you go through.

14 Q And the employment contract, was that to
15 be for work as a CRNA?

16 A Yes.

17 Q And I understand that at one point MSU
18 sent a transcript to the University of Tennessee
19 Medical Center that showed an F for GCRNA 699 in the
20 summer semester of 2008; is that correct?

21 A I don't know which class, but there was an
22 F on the transcript that they mailed.

23 Q All right. And then you communicated with
24 MSU and asked them to change that; is that also
25 correct?

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1 credentialing department that I would contact the
2 university and I was sorry for the first transcript.

3 Q And after the university received the
4 second revised transcript, what, if anything, was said
5 to you about this issue?

6 A Just that it was resolved.

7 Q Now, did you have a signed -- well, did
8 you have an agreement with the University of Tennessee
9 Medical Center to begin work as a CRNA upon receiving
10 your license?

11 A Yes.

12 Q And how much were you to be paid pursuant
13 to that agreement?

14 A I don't recall.

15 Q Was it a written agreement?

16 A Yes.

17 Q Do you have a copy of it somewhere?

18 A Maybe.

19 Q Okay. Do you remember whether or not you
20 were to be paid substantially more or substantially
21 less than you're making at Riverside?

22 A I don't remember.

23 Q Did the transcript have anything to do
24 with the fact that you're not working at the
25 University of Tennessee Medical Center, to your



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1 knowledge?

2 A I personally feel that it does.

3 Q Okay. Were you -- was it your decision
4 not to work there, or did they simply contact you and
5 tell you they no longer were interested?

6 A It was not my decision.

7 Q Okay. How was their decision communicated
8 to you?

9 A By telephone.

10 Q And what were you told on the telephone?

11 A I was told that I would not be starting
12 there. They were sorry. Best of luck to me. Good
13 luck in finding a new job.

14 Q Did they tell you why?

15 A They did not mention the transcript
16 incident.

17 Q Did the phone call that you received come
18 at a point in time where you were reasonably sure they
19 had received the revised transcript?

20 A Yes.

21 Q And you know -- I'm sorry. You didn't --
22 you said you don't recall the people who you dealt
23 with there?

24 A The credentialing department. I'm not
25 sure their official titles or the names of the women



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